

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No. 1:23-cv-23004-JB**

JANE DOE, a minor, by and through  
Her mother and next friend, MOTHER DOE,

Plaintiff,

v.

ACADEMIR CHARTER SCHOOLS, INC.,  
and SUPERIOR CHARTER SCHOOL  
SERVICES, INC.,

Defendants.

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**SUPERIOR’S REPLY IN SUPPORT OF  
MOTION FOR LEAVE AMEND ANSWER**

Defendant, Superior Charter School Services, Inc. (“Superior”), files this Reply in support of its Motion for Leave [Dkt. No. 51]. Plaintiff’s Response in Opposition to Defendant’s Motion for Leave [Dkt. No 60] contains inflammatory language and mischaracterizes the nature of the Defendant’s request and the factual background of the litigation:

1. First, Plaintiff’s continued reliance on baseless fraud allegations from a separate and unrelated issue is irrelevant to Superior’s Motion for Leave. Those accusations have no bearing on the current issue before the Court and should not serve as a distraction from Defendant’s request to correct a scrivener’s error in the Defendant’s Answer.

2. Second, Plaintiff contends that she has suffered prejudice due to Defendant's denial of receiving federal funding in its Answer. However, as demonstrated by the exhibits and correspondence attached to the Defendant's Motion for Leave, Superior has consistently denied receiving such funding throughout this litigation. Plaintiff's counsel was well aware of Defendant's position on this matter, as reflected in discovery responses and communication between the parties. The fact that Superior does not receive federal funding has been confirmed by the testimony of every witness with knowledge, and Plaintiff's counsel has been well aware of this. Just because Plaintiff's counsel disagrees with the critical fact that Superior does not receive federal funding does not mean Superior should be prevented from correcting a scrivener's error, especially given the Court's liberal view on the amendment of pleadings. *See*, Fed. R. Civ. P. 15(a).

3. Furthermore, just because the Plaintiff undertook additional discovery on this issue is not evidence of abusive litigation tactics by the Defendant but rather a reflection of Plaintiff's strategy. Plaintiff was intentionally pursuing discovery on a matter Defendant had openly denied throughout litigation. That Superior denies it received federal funding is no surprise to plaintiff's counsel.

4. Third, there is no merit to Plaintiff's suggestion that the Defendant's motion is abusive. Defendant's request for leave, again, has no

connection to Plaintiff's previously filed Motion for Default Judgment [Dkt. No 34]. Plaintiff's attempt to conflate these distinct matters is a distraction that should not be entertained by this Court.

5. Fourth, judicial efficiency is not undermined by allowing this amendment, as there is no withdrawal of an admission. Plaintiff's counsel has been fully aware of Defendant's position that Defendant does not receive federal funding, which negates any claim of prejudice. The delay in seeking the amendment is explained by the fact that Defendant was not made aware of this issue Plaintiff's counsel conveniently waited to point it out. Defendant's Answer does not reflect the Defendant's position on this matter. Good cause has been shown, as this was an inadvertent scrivener's error.

6. In conclusion, the Plaintiff's arguments are without merit, and the evidence in the record clearly shows no prejudice to Plaintiff.

WHEREFORE, Defendant, Superior Charter School Services, Inc. respectfully requests that this Court grant the Motion for Leave.

Dated: September 25, 2024

Respectfully Submitted,

/s/ Julie C. Marhefka

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on September 25, 2024, a true and correct copy of the foregoing was electronically filed with the Clerk of Court via the CM/ECF which will serve the parties by email on the service list below.

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